

SENATOR HUTCHINSON, DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, MY NAME IS DAPHNE IZER. I AM THE MOTHER OF JEFFREY IZER. ON OCTOBER 10, 1993, KATIE AGE 14, DAWN MARIE AGE 15, ANGIE AGE 16, AND JEFFREY AGE 17, WERE KILLED WHEN A TIRED TRUCKER FELL ASLEEP AT THE WHEEL OF HIS 80,000 POUND TRACTOR TRAILER AND DROVE OVER JEFFREY'S FORD ESCORT IN THE BREAKDOWN LANE ON THE MAINE TURNPIKE. IN MAY 1994 WE FORMED PARENTS AGAINST TIRED TRUCKERS, OR P.A.T.T., TO INITIATE CHANGES THAT WOULD PREVENT OTHER FAMILIES FROM HAVING TO SUFFER THE ANGUISH TOO MANY OF US MUST LIVE WITH EVERY SINGLE DAY. AND I MUST ADD THAT I WOULD RATHER BE HOME LIVING THE LIFE WE USED TO HAVE THAN ADDRESSING THIS COMMITTEE. I AM HERE TO SPEAK ON BEHALF OF JEFFREY AND THOSE THOUSANDS UPON THOUSANDS OF VICTIMS KILLED AND INJURED IN HEAVY TRUCK CRASHES, MOTORISTS AND TRUCK DRIVERS ALIKE. 5355 PEOPLE WERE KILLED IN HEAVY TRUCK CRASHES IN 1997, A 4.1% INCREASE OVER 1996. DRIVING A TRUCK CONTINUES TO BE THE MOST DANGEROUS PROFESSION IN THE UNITED STATES WITH ON-THE-JOB FATALITY STATISTICS CONTINUING TO RISE FOR THE PAST THREE YEARS (1995 - 749, 1996 - 785, 1997 - 857). AN AVERAGE OF 5000 HAVE BEEN KILLED EVERY YEAR FOR THE PAST SEVERAL YEARS. THESE WERE REAL PEOPLE, NOT JUST NUMBERS. WHY IS NOBODY LISTENING? WHY ISN'T MORE BEING DONE TO PREVENT THOSE NEEDLESS DEATHS. WHEN THERE IS A PLANE CRASH FAA TAKES STEPS IMMEDIATELY. FATIGUE IS THE NUMBER ONE PROBLEM IN THE TRUCKING INDUSTRY. IT IS A SILENT KILLER. YOU MAY HEAR A STATISTIC HERE TODAY THAT 71% OF THE TIME AUTO DRIVERS ARE AT FAULT. THAT STATISTIC WAS ORIGINATED BY NHTSA WHO HAVE SINCE DISCONTINUED USING THE STATISTIC BECAUSE THERE IS INSUFFICIENT DATA AVAILABLE TO JUSTIFY IT. THE NTSB SUGGESTS THAT 35 - 40% OF HEAVY TRUCK CRASHES ARE DRIVER FATIGUE RELATED, AND THE AAA FOUNDATION SUGGESTS THAT 50% OF HEAVY TRUCK CRASHES ARE DRIVER FATIGUE RELATED. FATIGUE IS CHRONICALLY UNDER REPORTED AND UNDER RECORDED. SEVEN STATES STILL DO NOT HAVE AN ENTRY FOR FATIGUE ON THEIR CRASH INVESTIGATION REPORTS. YOU SHOULD KNOW THAT 98% OF THE TIME THE TRUCK DRIVER IS THE ONLY ONE LEFT TO TELL WHAT HAPPENED.

SINCE FORMING P.A.T.T. WE HAVE DEVELOPED AN IN-DEPTH INSIGHT INTO THE TRUCKING INDUSTRY, IN THE US AND CANADA, AND INTERNATIONALLY. ON A DAILY BASIS WE COMMUNICATE WITH VICTIMS, TRUCK DRIVERS, TRUCKING COMPANY EXECUTIVES, GOVERNMENT AGENCIES AND OTHERS INVOLVED IN THE TRUCKING INDUSTRY. WE HAVE TRAVELED TO 30 STATES, CANADA AND AUSTRALIA, AND HAVE P.A.T.T. POINTS-OF-CONTACT ESTABLISHED IN 19 STATES. WE ARE ALL VOLUNTEERS, WE HAVE NO PAID EMPLOYEES. IN FEBRUARY 1999, WE WILL HOST A SYMPOSIUM IN SAN DIEGO TO IDENTIFY SOLUTIONS AVAILABLE NOW TO ADDRESS THE TIRED TRUCKER PROBLEM. WE HAVE BEEN SUBPOENAED TO TESTIFY AS EXPERT WITNESSES

AND WE CONTINUE TO PROVIDE INFORMATION AND EMOTIONAL SUPPORT TO NEW VICTIMS. WE REVIEW NUMEROUS INDUSTRY PUBLICATIONS AND ARE FREQUENTLY CALLED UPON FOR INFORMATION, COMMENTS AND ASSISTANCE BY THE MEDIA, TRUCK DRIVERS, VICTIMS, ATTORNEYS AND OTHERS. WE RECEIVE FINANCIAL SUPPORT FROM INDIVIDUAL DONATIONS AND AN OCCASIONAL GRANT. WE ARE NOT UNINFORMED, MISGUIDED, OUTSIDERS WITH SOLUTIONS BASED ON EMOTION. WE KNOW THE TRUCKING INDUSTRY, WE HAVE THE FACTS, AND WE **KNOW** THE ISSUES THE INDUSTRY DOES NOT WANT TO ADDRESS.

THE SINGLE MOST SPECIFIC CAUSE OF FATIGUE IN THE TRUCKING INDUSTRY IS ECONOMICS. IF THE WHEELS ARE NOT TURNING THE DRIVER IS NOT GETTING PAID. DRIVERS SPEND HOURS LOADING AND UNLOADING OR WAITING TO LOAD AND UNLOAD. TRUCK DRIVERS, WHO ARE PAID BY-THE-MILE, ARE EXEMPT FROM THE PROTECTION OF THE FAIR LABOR STANDARDS ACT. WHAT OTHER GROUP OF AMERICAN WORKERS DO NOT GET OVERTIME PAY. IT IS OUR RECOMMENDATION AND PREDICTION THAT THE TIRED TRUCKER PROBLEM CAN NOT AND WILL NOT BE OVERCOME UNTIL THE PAY-BY-THE-MILE ECONOMIC INCENTIVE TO VIOLATE SAFETY REGULATIONS IS REMOVED. THE FAIR LABOR STANDARDS ACT NEEDS TO BE AMENDED TO INSURE THAT TRUCK DRIVERS ARE PAID FOR ALL TIME WORKED. WE ARE NOT SUGGESTING THAT TRUCK DRIVERS COME UNDER THE FULL PROTECTION OF THE FAIR LABOR STANDARDS ACT AND BE PAID OVERTIME. THIS SUGGESTION HAS BEEN DENIED TWICE BY THE SUPREME COURT. WHAT WE ARE RECOMMENDING IS THE FAIR LABOR STANDARDS ACT BE AMENDED TO REQUIRE THAT TRUCK DRIVERS BE PAID FOR ALL TIME WORKED, FOR LOADING AND UNLOADING, FOR WAITING, FOR ON-DUTY NOT DRIVING TIME. ANY OTHER CHANGES WILL HAVE LITTLE OR NO SAFETY BENEFITS UNTIL THIS ECONOMIC INCENTIVE IS REVERSED, UNTIL THE INCENTIVE IS TO BE SAFE INSTEAD OF "ON TIME AT ANY COST". INNOCENT PEOPLE ARE BEING KILLED TO GET A LOAD OF WIDGETS DELIVERED. NO LOAD OF FREIGHT IS WORTH A HUMAN LIFE. THE TRUCKING INDUSTRY IS THE ONLY INDUSTRY THAT WE ARE AWARE OF IN WHICH EMPLOYEES ARE ACTUALLY REQUIRED TO WORK FOR THEIR EMPLOYERS FOR NO PAY FOR MANY OF THE HOURS REQUIRED BY THE JOB. THE INDUSTRY ARGUES THAT "PAY-BY-THE-MILE" IS ABSOLUTELY ESSENTIAL TO THE INDUSTRY. IT IS CERTAINLY EASIER FOR A COMPANY TO PREDICT ITS COSTS AND THEREBY SET ITS PRICES WHEN IT PAYS ITS DRIVERS BY THE MILE OR BY THE LOAD INSTEAD OF BY THE HOUR. ANY BUSINESS COULD MAKE THE SAME ARGUMENT. THIS REQUIRES THE INDIVIDUAL EMPLOYEES TO BEAR THE BRUNT OF ANY MISCALCULATIONS AND BEAR THE BRUNT OF ANY DOWN TIME. WE DO NOT REQUIRE WORKERS IN ANY OTHER INDUSTRY TO BEAR THIS BURDEN. TIME AFTER TIME, WHEN DRIVERS ARE ASKED WHY THEY CONTINUE DRIVING WHEN THEY ARE TOO FATIGUED TO DO SO SAFELY, THE

RESPONSE IS " IF THE WHEELS AREN'T TURNING, NOBODY'S MAKING MONEY." THIS INCENTIVE TO GO BEYOND HUMAN ENDURANCE IS THE DIRECT CAUSE OF MANY DEATHS AND **YOU HAVE THE POWER TO PREVENT THOSE DEATHS.** CONGRESS HAS, IN FACT, PREVENTED DEATHS CAUSED BY THE SAME REASONS, IN OTHER INDUSTRIES. SWEAT SHOPS ARE NOW ILLEGAL IN THIS COUNTRY EXCEPT FOR THE SWEAT SHOPS THAT ROLL ON 18 WHEELS DOWN OUR HIGHWAYS. IT'S TIME FOR CONGRESS TO TAKE A GOOD HARD LOOK AT THE INDUSTRY AND MAKE IT SAFER.

WE NEED THE TRUCKING INDUSTRY - BUT IT MUST OPERATE SAFELY. WE ARE DISAPPOINTED IN CONGRESSES LACK OF ATTENTION TO A PROBLEM THAT RESULTS IN MORE DEATHS EVERY YEAR THAN ALL OTHER MODES OF COMMERCIAL TRANSPORTATION COMBINED. THAT EQUATES TO 20 PLUS SWISSAIR OR 46 VALUE JET CRASHES EVERY YEAR. WE ARE DISAPPOINTED IN CONGRESSES MISGUIDED DIRECTION TO THE DEPARTMENT OF TRANSPORTATION, AND THE DOT'S MANDATED AND UN-MANDATED FUNDING OF TRUCKING INDUSTRY ENTITIES, SPECIFICALLY THE AMERICAN TRUCKING ASSOCIATIONS TRUCK RESEARCH INSTITUTE, TO CONDUCT RESEARCH ON TRUCKING INDUSTRY SAFETY PROBLEMS WHEN THEY HAVE A CLEAR ECONOMIC INTEREST IN THE OUTCOME OF THE RESEARCH. THIS IS TANTAMOUNT TO LETTING THE FOX GUARD THE HEN HOUSE. WE ARE DISAPPOINTED WITH THE DOT, THE FEDERAL HIGHWAY ADMINISTRATION, AND THE DEPARTMENT OF LABOR'S INEFFECTIVE AND INSUFFICIENT PROTECTION OF TRUCK DRIVERS AND MOTORISTS ON OUR NATIONS HIGHWAYS. FOR ALMOST TWO YEARS NOW THE DOT AND THE DOL HAVE REFUSED, BEEN UNABLE, OR BEEN UNWILLING TO REQUIRE THE POSTING OF AN OSHA POSTER AT TRUCKING FACILITIES THAT EXPLAINS TO TRUCK DRIVERS THEIR RIGHT NOT TO HAVE TO DRIVE FATIGUED. WHILE AT THE SAME TIME THE ON-THE-JOB MORTALITY RATE FOR TRUCK DRIVERS HAS CONTINUED TO RISE AND CONTINUED FOR THE PAST THREE YEARS TO BE THE HIGHEST OF ANY PROFESSION IN THE UNITED STATES. WHAT DOES THIS TELL US? P.A.T.T. HAS BEEN INFORMING TRUCK DRIVERS OF THEIR RIGHTS - WE SHOULD NOT HAVE TO SPEND OUR LIMITED TIME AND RESOURCES ON SOMETHING THE GOVERNMENT SHOULD BE DOING. WE ARE IN COMPLETE AGREEMENT WITH THE TRUCKING INDUSTRY WHEN THEY STATE THAT ENFORCEMENT EFFORTS NEED TO BE INCREASED. MORE FUNDING FOR PERSONNEL AND ENFORCEMENT EFFORTS NEED TO BE ALLOCATED TO THE OFFICE OF MOTOR CARRIERS. THOUSAND AND THOUSANDS OF MOTOR CARRIERS NEVER GET LOOKED AT BECAUSE THE OFFICE OF MOTOR CARRIERS DO NOT HAVE THE PERSONNEL TO DO IT.

WITH THE EXCEPTION OF A FEW OBVIOUSLY BIASED AND ECONOMICALLY INTERESTED PARTIES **EVERYONE** NOW RECOGNIZES THE SIMPLE TRUTH THAT TRUCK DRIVER FATIGUE KILLS THOUSANDS OF PEOPLE AND IS A

PROBLEM THROUGHOUT THE INDUSTRY. FATIGUE IS THE NUMBER ONE PROBLEM IN THE TRUCKING INDUSTRY TODAY. THE CURRENT HOURS-OF-SERVICE RULES ARE OBSOLETE AND MUST BE REPLACED **NOW**, NOT IN A YEAR OR TWO FROM NOW. IN MARCH OF 1996 PARENTS AGAINST TIRED TRUCKERS (P.A.T.T.) SUBMITTED A 12/12 PROPOSAL TO THE FEDERAL HIGHWAY ADMINISTRATION TO REPLACE THE CURRENT 10-5-8 HOURS-OF-SERVICE RULE. WHILE IT MAY NOT BE THE BEST PROPOSAL, IT DOES PUT DRIVERS ON A SCHEDULE THAT CONFORMS TO CIRCADIAN RHYTHMS, APPLIES MUCH OF WHAT HAS BEEN LEARNED IN THE NUMEROUS STUDIES DONE SO FAR. THE MUCH TOUTED DOT FATIGUE STUDY, WHICH COST MILLIONS OF DOLLARS, TOOK FIVE YEARS, AND DIDN'T STUDY TRUE LONG HAUL TRUCK DRIVERS CLEARLY REVEALED THAT TRUCK DRIVERS, LIKE OTHER HUMANS, ARE THE ONES LEAST ABLE TO JUDGE THEIR STATE OF FATIGUE VERSUS ALERTNESS. ANY SYSTEM THAT PUTS THE DECISION ON HOW MANY HOURS TO DRIVE IN THE HANDS OF THE INDUSTRY OR TRUCK DRIVER WILL RESULT IN STILL MORE DEATHS IN HEAVY TRUCK CRASHES. ANOTHER OPTION DESIRED BY THE TRUCKING INDUSTRY IS THE SO CALLED "24-HOUR RESTART RULE" WHICH WOULD PERMIT A DRIVER TO BEGIN ANOTHER 60 OR 70 HOUR CYCLE AFTER BEING OFF DUTY FOR ONLY 24 HOURS. IF THERE IS A SLEEP DEBT, IT CAN NOT BE OVERCOME IN 24 HOURS, BUT REQUIRES AT LEAST TWO EIGHT HOUR SLEEP PERIODS IN A MINIMUM OF 36 HOURS. THIS IS SCIENTIFIC FACT.

THE TRUCK DRIVER COMPENSATION SYSTEM IS THE ROOT CAUSE OF THE TIRED TRUCKER PROBLEM AND MUST BE REVISED. ON BOARD COMPUTERS TO REPLACE THE MANUAL LOG BOOK IS A MUST. WE HAVE MANY GOOD SAFETY REGULATIONS ON LOG BOOKS ALREADY FOR WHICH THERE IS LITTLE OR NO ATTEMPT AT ENFORCEMENT. LOG BOOKS ARE ROUTINELY REFERRED TO AS "JOKE BOOKS" OR "COMIC BOOKS." DRIVERS ROUTINELY DRIVE BEYOND THE MAXIMUM HOURS OF SERVICE ALLOWED BY LAW. DRIVERS ROUTINELY FAIL TO LOG TIME PROPER FALLING UNDER THE CATEGORY OF "ON-DUTY - NOT DRIVING." ON-BOARD RECORDING DEVICES WHICH WOULD MAKE IT MUCH MORE DIFFICULT TO CHEAT ON LOG BOOKS OR WHICH COULD EVENTUALLY ELIMINATE THE NEED FOR HANDWRITTEN LOG BOOKS HAVE BEEN AVAILABLE FOR MORE THAN 30 YEARS, BUT ARE NOT REQUIRED. THE TECHNOLOGY AVAILABLE TODAY ALLOWS A TRUCK COMPANY TO KNOW, AT ANY POINT IN TIME, THE EXACT LOCATION OF ITS TRUCKS. SOME OF THE MORE ADVANCED TECHNOLOGY THAT IS AVAILABLE HAS ALREADY BEEN ADOPTED BY MANY MAJOR TRUCKING COMPANIES. THE TECHNOLOGY EXISTS TODAY THAT WOULD REQUIRE THE INDUSTRY TO COMPLY WITH THE REGULATIONS. WE SIMPLY LACK THE WILL TO REQUIRE ENFORCEMENT. THE WILL MUST COME FROM CONGRESS BECAUSE IT HAS NOT COME FROM THE DEPARTMENT OF TRANSPORTATION. EVERY AIRPLANE THAT FLIES COMMERCIALY IS REQUIRED TO HAVE MULTIPLE ON-BOARD- RECORDING

DEVICES. NO ONE WOULD LISTEN FOR EVEN A MINUTE IF THE AIRLINE INDUSTRY INDICATED THEY DIDN'T THINK THAT THEY SHOULD BE REGULATED IN THAT WAY. NONETHELESS, THOUSANDS UPON THOUSANDS OF PEOPLE ARE KILLED EVERY YEAR, YEAR IN AND YEAR OUT, IN COLLISIONS WITH BIG TRUCKS, AND CONGRESS AND THE DEPARTMENT OF TRANSPORTATION DO NOTHING TO REQUIRE ANY TYPE OF ON-BOARD RECORDING DEVICE. COST IS NOT THE ISSUE. SINCE 1994, OR 1995, ALMOST ALL SEMI TRUCK ENGINES HAVE BEEN EQUIPPED WITH AN ELECTRONIC CONTROL MODULE WHICH CAN BE USED OR COULD EASILY BE MODIFIED TO BE USED AS AN ON-BOARD RECORDING DEVICE. IT WOULD TAKE LITTLE MODIFICATION TO REQUIRE THE UNIFORM USE OF THE ELECTRONIC CONTROL MODULE OR A TACHOGRAPH OR A COMPUTER SYSTEM (WHICH ARE ALREADY BEING USED BY MANY COMPANIES). WHY DON'T WE REQUIRE THIS? BECAUSE NO ONE HAS THE GUMPTION OR THE POLITICAL INTEGRITY TO STAND UP TO THE TRUCKING INDUSTRY AND SAY "YOU ARE KILLING TOO MANY PEOPLE." THERE IS ABSOLUTELY NO EXCUSE FOR THE FAILURE TO REQUIRE SOME KIND OF ON-BOARD RECORDING DEVICE TO MAKE THE INDUSTRY ACCOUNTABLE WITH REGARD TO HOURS OF SERVICE REGULATIONS.

WE NEED MORE SAFE REST AREAS, OUR COUNTRY IS SERIOUSLY LACKING IN THIS AREA. WHY DID CONGRESS CALL FOR ANOTHER STUDY ON THIS ISSUE? ONE HAS ALREADY BEEN DONE. ALL PLAYERS HAVE TO BE HELD ACCOUNTABLE FOR THEIR PART IN THIS CRITICAL FATIGUE ISSUE - SHIPPERS, RECEIVERS, FREIGHT FORWARDERS, TRUCKING COMPANIES, DISPATCHERS AND DRIVERS. YOU HAVE GIVEN THE SECRETARY OF TRANSPORTATION 18 MONTHS TO TELL YOU HOW HE WOULD APPLY ENFORCEMENT ACTIONS AGAINST SHIPPERS AND RECEIVERS. IN THOSE 18 MONTHS YOU CAN EXPECT ANOTHER 7500 PEOPLE TO DIE IN HEAVY TRUCK CRASHES. GIVE THE DEPARTMENT OF TRANSPORTATION THE POWER NOW TO SAVE SOME OF THOSE LIVES. GIVE THE SECRETARY THE AUTHORITY TO PURSUE SHIPPERS AND RECEIVERS FOR THEIR ILLEGAL ACTIONS THAT ARE KILLING OUR LOVED ONES ON OUR HIGHWAYS. IT IS TIME FOR FATIGUE TO BE RECOGNIZED AND ADDRESSED AS THE KILLER THAT IT IS. DON'T WAIT UNTIL IT HAPPENS TO YOU. PLEASE TAKE STEPS NOW TO SAVE LIVES. YOU HAVE THE POWER TO DO SO. TAKE SOME REAL ACTION. NUMEROUS STUDIES HAVE BEEN DONE, BUT WHAT HAS RESULTED? **ENOUGH STUDIES!**

WE THANK YOU FOR RECOGNITION OF THE TIRED TRUCKER PROBLEM AND FOR HOLDING THIS HEARING.

TOGETHER WE CAN SAVE LIVES.